
STATUTORY INSTRUMENTS

1991 No. 1531

The Control of Explosives Regulations 1991

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1983 Regulations” means the Classification and Labelling of Explosives Regulations 1983(1);

“chief officer of police” includes any other member of a police force who has been authorised in writing by the chief officer of police to act on his behalf for the purposes of these Regulations;

“the Executive” means the Health and Safety Executive;

“explosive” means any explosive article or explosive substance (as each is defined in regulation 2(1) of the 1983 Regulations) which has been assigned on classification under the 1983 Regulations to Class 1;

“explosives certificate” means the certificate described in regulation 4;

“fireworks” means the explosive articles allocated on classification under the 1983 Regulations any of the U.N. nos. 0333 to 0337;

“fog signals” means the explosive articles allocated on classification under the 1983 Regulations the U.N. no. 0193;

“for private use” means for a person’s own use or use by his employees in the course of their employment, and not for sale;

“gunpowder” means the explosive substance allocated on classification under the 1983 Regulations the U.N. no. 0027;

“holder” in relation to an explosives certificate means the person named in the explosives certificate as a fit person to acquire or to acquire and keep explosives;

“license” means any of the following granted under the Explosives Act 1875(2) in respect of a factory or magazine—

- (a) a license,
- (b) an amending license, or,
- (c) a continuing certificate which is deemed by that Act to be a license;

“licensed factory” and “licensed magazine” mean a factory or magazine, as the case may be, licensed under the Explosives Act 1875 or lawfully existing whether under that Act or by virtue of a certificate of exemption granted pursuant to the Explosives Act 1875 (Exemptions) Regulations 1979(3);

“name” in relation to an explosive article or explosive substance has the meaning assigned to it by the 1983 Regulations;

“occupier” has the same meaning as in section 108 of the Explosives Act 1875;

(1) S.I.1983/1140.

(2) 1875 c. 17, the relevant provisions are sections 6, 12, 14, 38 and 40; sections 6, 12 and 40 were amended by S.I. 1974/1885.

(3) S.I. 1979/1378.

“percussion caps” means any of the explosive articles allocated on classification under the 1983 Regulations the U.N. nos. 0044, 0377 or 0378;

“prohibited person” means, subject to regulation 9(3), a person, other than a person in respect of whom an order has been made under regulation 6(4), who—

- (a) has been convicted of any offence under the Explosive Substances Act 1883(4), or
- (b) has been sentenced to imprisonment or custody for life; or to imprisonment, detention in a young offenders institution, youth custody or corrective training for a term exceeding thirty months; or to preventive detention; or to detention during Her Majesty’s pleasure or for life, or under section 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975(5); or for a term exceeding thirty months passed under section 53 of the Children and Young Persons Act 1933(6) (young offenders convicted of grave crimes), or under section 206 of the said Act of 1975(7) (detention of children convicted on indictment), or
- (c) has been sentenced to imprisonment, or youth custody, or detention in a young offenders institution, or corrective training for a term exceeding six months, but not exceeding thirty months, and less than ten years have passed since the conviction for the crime for which sentenced, or less than five years for those under seventeen at the time of conviction, or
- (d) has been sentenced to imprisonment or youth custody or detention in a young offenders institution for a term not exceeding six months, and less than seven years have passed since the conviction for the crime for which sentenced, or less than three and a half years for those under seventeen at the time of conviction;

“registered premises” means premises registered with a local authority for the keeping of explosives under the Explosives Act 1875;

“relevant police force” means in the case of an explosive certificate—

- (a) which will certify that the holder is a fit person to keep explosives, the police force for the police area in which the place of keeping is or is to be situated,
- (b) which will certify only that the holder is a fit person to acquire explosives, the police force for the police area in which the applicant resides or, in the case of a body corporate, in which the applicant has its registered office, or, if it has no registered office, its principal office,
- (c) which has been issued, the police force stated in the certificate;

“restricted substance” means—

- (a) a substance which on classification under the 1983 Regulations has been excluded from Class 1 and designated as not presenting a significant hazard from explosion only because of the proportion it contains of water or other agent with which it is diluted, but which is neither a medicinal product as defined in section 130 of the Medicines Act 1968(8) nor a substance specified in an order made under section 104 or 105 of the Medicines Act 1968 which is for the time being in force and which directs that specified provisions of that Act shall have effect in relation to that substance as such provisions have effect in relation to medicinal products within the meaning of that Act, or

(4) 1883 c. 3.

(5) 1975 c. 21; section 205 was substituted by the Criminal Justice (Scotland) Act 1980 (c. 62), section 43.

(6) 1933 c. 12; section 53 was repealed in part by the Criminal Justice Act 1948 (c. 58), section 83, by the Children and Young Persons Act 1963 (c. 37), section 64(3), and by the Criminal Justice Act 1967 (c. 80), section 103(2), and was amended by the Criminal Justice Act 1961 (c. 39), sections 2(1), 41(1) and (3) and Schedule 4, by the Children and Young Persons Act 1963, section 64(1) and Schedule 3, paragraph 13, by the Murder (Abolition of Death Penalty) Act 1965 (c. 71), sections 1(5) and 4, and by the Children and Young Persons Act 1969 (c. 54), section 30(1).

(7) Section 206 was substituted by the Criminal Justice (Scotland) Act 1980, section 44.

(8) 1968 c. 67.

(b) any collection of substances which would if mixed form one or more explosive substances and which has been prepared for that purpose;

“small arms ammunition” means the explosive articles allocated on classification under the 1983 Regulations the U.N. no. 0012, 0014 or 0055 and which are intended exclusively for use in small arms;

“smokeless powder” means the explosive substances allocated on classification under the 1983 Regulations the U.N. no. 0160 or 0161 and which are intended exclusively for use in small arms;

“store” has the same meaning as in section 108 of the Explosives Act 1875; and

“U.N. no.” means United Nations Serial Number, that is to say, one of the four-digit numbers devised by the United Nations and allocated by the Health and Safety Executive or the Secretary of State to an explosive article or substance as a means of identification.

(2) In these Regulations any reference to acquiring or transferring explosive shall mean acquiring or transferring possession of or property in such explosive.

(3) For the purposes of these Regulations, a person who acts as agent to acquire or transfer any explosive for another person shall be treated as if he as well as the other person had acquired or transferred that explosive as principal.

(4) For the purposes of these Regulations, except for regulation 9(2), the keeping or possession of any explosive by an employee who has been duly authorised by his employer for the purposes of his employment shall be treated as if it were keeping or possession, as the case may be, by the employer.

(5) Where explosive is transported (including being loaded or unloaded and during breaks which are reasonably incidental to completing the journey within a reasonable length of time) the explosive shall not be treated as being kept or acquired by or transferred to or from a person who has possession of it only by reason of being—

- (a) a carrier;
- (b) a person engaged in the work of loading or unloading; or
- (c) the occupier of a place it passes through while on the journey.

(6) In determining whether any explosive is lost for the purposes of these Regulations, there shall be excluded any explosive in respect of which it can be shown that the cause was not theft and that the explosive no longer exists.

(7) In these Regulations any reference to the quantity of any explosive shall be construed as a reference to the net mass of explosive substance.

(8) For the purposes of these Regulations, an explosive is not of the same type as another explosive unless it is identical to it.

(9) Unless the context otherwise requires any reference in these Regulations to—

- (a) a numbered regulation is a reference to the regulation in these Regulations so numbered;
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears;
- (c) a numbered Schedule is a reference to the Schedule to these Regulations so numbered.